

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly  
5 assisted Applicant in responding.

2. 35 U.S.C. §112, second paragraph.

(a) The Examiner rejected Claims 36 and 37 for reciting "primary storage and/or the  
10 secondary storage...". The Examiner further stated that it was unclear whether  
Applicant meant "primary storage and the secondary storage" or "primary storage or the  
secondary storage..." and requested clarification.

Applicant has made the appropriate amendment to the Claims.

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Applicant is of the opinion that Claims 36 and 37 overcome the rejection under 35  
U.S.C. §112, second paragraph. Accordingly, Applicant respectfully requests that the  
Examiner withdraw the rejection.

20 3. Grammatical corrections.

It should be appreciated that Applicant has amended Claims 12, 20, 30, 36-38 for  
grammatical purposes only and that Applicant is of the opinion that such amendments  
did not change the scope or meaning of any of the claims.

## 4. 35 U.S.C. §103(a).

(a) The Examiner has rejected Claims 1, 3, 4, 30, and 32 under 35 U.S.C. §103(a) as  
5 being unpatentable over Take (U.S. Patent No. 6,442,553) in view Fecteau (U.S. Patent No. 5,594,881) and further in view of Nemes (U.S. Patent No. 5,893,120).

Claims 1 and 30

10 The Examiner stated that Take teaches "determining if said new data record fits in an unused space on said identified section" and cites col. 1, lines 45-63.

Applicant respectfully disagrees. Applicant respectfully points out that Claims 1 and 30 clearly first receive a new data record, then identify a section based on the key of the  
15 new record, and then, before putting or writing such record, determining if the newly received data record fits in an used space on the identified section based on its size.

Support can be found in the Specification on page 13 lines 10-14:

20 "Referring again to the decision state 812, the database management system 106 Figure 2) determines whether the matching pre-existing data record is the same size or larger than the new data record."

Further support can be found in the Specification on page 14 lines 6-10:

"Referring again to state 812 and Figure 7, if the database management system 106 (Figure 2) at the state 812 determines that the pre-existing data record is smaller than the new data record, the database management system 106 (Figure 2) proceeds to a state 820. Since the new data record will not fit in the space occupied by the pre-existing data record, an overwrite operation cannot be performed."

In stark contrast, Take first puts, i.e. writes the data record and then determines if the entire record storage unit is filled. Support can be found in col. 1, lines 36-50 (emphasis added):

As shown in FIG. 2, after starting the hash process, a group of records is read into the input buffer 3 from the hash list 1 (step S1). Next, one record is output from the input buffer 3 (step S2), the hash function value of the record is calculated based on the key value of the record using a hash function (step S3), and the record is stored in one of the record buffers 4 which corresponds to the hash function value of the record (step S4).

After that, whether or not the record buffer 4 is full is determined (step S5), and then all of the records stored in the record buffer 4 are output to the corresponding one of the hashed lists 5 in the disc storage unit (step S6) if the record buffer 4 is full (YES, in step S5), and the process goes to step S7. If the record buffer 4 is not full (NO, in step S5), the process directly goes to step S7, and whether or not there is a record left in the input buffer 3 is determined (step S7).

Clearly, Take does not disclose, teach, or suggest the claimed invention because, in particular, it does not teach the step of responsive to receiving the new data record, determining if the identified section has sufficient space to contain the new data record,  
5 and does not disclose, teach, or suggest the claimed invention as a whole.

None of Take, Fecteau not Nemes disclose, teach, or suggest the claimed invention alone or in combination. Therefore, Applicant is of the opinion that Claim 1 and hence its dependent claims are in allowable condition. Accordingly, Applicant respectfully  
10 requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(b) The Examiner has rejected Claims 5-7 under 35 U.S.C. §103(a) as being unpatentable over Take (U.S. Patent No. 6,442,553) and Nemes (U.S. Patent No. 5,893,120) in view of Nguyen (U.S. Patent No. 5,809,494).

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Claims 5-7 are dependent upon an independent claim deemed in allowable condition. Accordingly, Claims 5-7 are deemed to be in allowable condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

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(c) The Examiner has rejected Claims 8, 10, 11, and 33-35 under 35 U.S.C. §103(a) as being unpatentable over Take (U.S. Patent No. 6,442,553) in view of Fecteau (U.S. Patent No. 5,594,881), and in view of Nguyen (U.S. Patent No. 5,809,494) and further in view of Nemes (U.S. Patent No. 5,893,120).

In view of discussion hereinabove, Applicant is of the opinion that Claim 8 and its dependent claims are deemed in allowable condition. Claim 33-35 are dependent on independent Claim 30 deemed to be in allowable condition as discussed hereinabove.

5 Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(d) The Examiner has rejected Claims 12 and 14-29 under 35 U.S.C. §103(a) as being unpatentable over Nguyen (U.S. Patent No. 5,809,494) and Take (U.S. Patent No. 10 6,442,553) in view of Nemes (U.S. Patent No. 5,893,120) and further in view of Fecteau (U.S. Patent No. 5,594,881).

In view of the discussion hereinabove, Applicant is of the opinion that Claims 12 and 20 and the respective dependent claims are deemed in allowable condition. Accordingly, 15 Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(e) The Examiner has rejected Claims 36 and 37 under 35 U.S.C. §103(a) as being unpatentable over Nguyen (U.S. Patent No. 5,809,494) in view of Fecteau (U.S. Patent 20 No. 5,594,881).

In view of the discussion hereinabove, Applicant is of the opinion that Claims 36 and 37 are deemed in allowable condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

(f) The Examiner has rejected Claim 38 under 35 U.S.C. §103(a) as being unpatentable over Nguyen (U.S. Patent No. 5,809,494) in view of Nemes (U.S. Patent No. 5,893,120).

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In view of the discussion hereinabove, Applicant is of the opinion that Claim 38 is deemed in allowable condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

- 10 5. It should be appreciated that Applicant has elected to amend Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendment and cancellations, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled.
- 15 Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Respectfully Submitted,

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